

2008-21

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>>> Terina Carte <tcarte@l-gal.org> 11/15/2009 11:09 AM >>>

**To Whom It May Concern:**

**Our office represents all of the Genesee County kids on a court-appointed basis that are charged with crimes.**

It is difficult enough to get a case placed on consent calendar as it is and if the proposed changes are put into effect, either it wouldn't happen at all (Proposal A) or it would only happen if the prosecutor agreed to it and it wasn't an "assaultive crime" (Proposal B). Kids that we represent that get the benefit of consent calendar may be before the court for things like a fight that occurred in school, a fight that happened in the home, or maybe for slapping/hitting/kicking a parent. If the proposed amendments are adopted, these kids will never have the opportunity to an informal disposition and having their records cleared. There already is no plea under advisement option in juvenile court as even adults have. Taking away the consent calendar option for these types of offenses, or any others that may be appropriate, will work to treat juveniles more harshly than adults. Is that what juvenile court is all about? I thought it was about rehabilitation and trying to defer kids from the adult system. I thought it was about giving them the benefit of the doubt for their first offense, if appropriate. Trying to treat kids the same or even harsher than adults just doesn't make sense and it isn't right for the kids that come before the court. Adults get the benefit of pleas under advisement and 7411 but those options are not available to juveniles. We are going to give 17 to 20-something year olds more leniency than 12 to 16 year olds? Really?

Amendment of the rule as proposed (either proposal) will, in my opinion, only serve to force the juveniles who would ordinarily be placed on consent calendar to insist on trials. Further, if Alternative B is adopted and consent calendar is only available if the prosecutor agrees, it would probably never happen since the prosecutor is the one who has brought the petition in the first place. The decision to place on consent calendar should continue to rest with the judge/referee who presides over the case. To make it otherwise, would basically usurp the authority of the court. As to the assaultive crime factor,

that could result in kids that get into a fight in school having a record while the kid that has drugs will not.

Finally, I haven't seen anyone yet address how the changes would affect juvenile court officers (probation officers). Consent calendar kids don't take up nearly the resources that formal or intense probation kids do. If all kids are placed on formal probation because consent calendar is no longer an option, the juvenile probation department may become overwhelmed with the additional caseload responsibilities.

For these reasons, on behalf of ALL Genesee County juvenile residents, we respectfully request that NONE of the proposed amendments be adopted.

Respectfully,

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